

**MEDICAL EXAMINING BOARD
REGULAR MEETING
SEPTEMBER 25, 2002**

MEMBERS PRESENT: Drs. Darold Treffert, Sidney Johnson, Ronald Grossman, Clark Olsen, Alfred Franger, Lief Erickson, Daniel Miota, and Muriel Harper and Virginia Heinemann and Karen Kalishek

EXCUSED: Drs. Sandra Mahkorn, Bhupinder Saini, and Thomas Luetzow

STAFF PRESENT: Deanna Zychowski, Bureau Director; Wayne Austin, Legal Counsel; Pamela Meicher, Program Assistant

CALL TO ORDER

Chair Darold Treffert called the meeting to order at 8:03 a.m.

APPROVAL OF AGENDA

Amendments: Stipulation – John T. Coates, MD
Stipulation – Aaron C. Bodner, MD
Issue Complaints

MOTION: Clark Olsen moved, seconded by Alfred Franger to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF AUGUST 21, 2002

Amendments: Issue Complaints Motion on Page 9; change formal to informal and change that to than.

MOTION: Clark Olsen moved, seconded by Alfred Franger to approve the agenda as amended. Motion carried unanimously.

SECRETARY OSCAR HERRERA

Secretary Oscar Herrera started his discussion by stating that Wisconsin runs low in discipline by the Boards. Secretary Herrera wanted to thank Dr. Treffert for being on top of the Board activities associated with high profile cases in Wisconsin.

Dr. Treffert will talk with the Federation for clarity on their criteria and definitions for rating states for serious disciplines. The Federation's definitions and criteria may differ from the state of Wisconsin and that may explain why Wisconsin is ranked low in discipline.

Secretary Herrera advised the Board that the Legislative Adhoc Committee will meet on October 28, 2002. The Committee will be addressing resources within the agency budget. Secretary

Herrera said that all departments will be going through this same process. Secretary Herrera has invited Dr. Treffert to attend this Committee meeting.

PRESENTATION OF PROPOSED STIPULATIONS

DOE attorney, Arthur Thexton, presented a proposed stipulation in the matter concerning Jeffrey T. Junig, MD. This matter will be deliberated on in closed session.

DOE attorney, Jack Zwieg, presented a proposed stipulation in the matter concerning Herbert M. Allen, M.D. This matter will be deliberated on in closed session.

DOE attorney, Jack Zwieg, presented a proposed stipulation in the matter concerning Herbert M. John T Coates, M.D. This matter will be deliberated on in closed session.

DOE attorney, Claudia Miran, presented a proposed stipulation in the matter concerning Aaron C. Bodner, MD. This matter will be deliberated on in closed session.

DOE attorney, Jim Polewski, presented a proposed stipulation in the matter concerning Marc L. Smith, D.O. This matter will be deliberated on in closed session.

REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES

Dr. Darold Treffert thought the report looked good. He suggests that every Board member look at the report and when they are a case advisor, watch the case closely.

REPORT ON DEPARTMENT BUDGET MEETING – KAREN KALISHEK

Karen Kalishek reported on the departments budget initiatives. She said the department plans on hiring one more attorney, an investigator, a case monitor and an administrative assistant.

Karen stated that Wisconsin ranks in the 20% bottom of fees within the country. She also stated that there is no guarantee that if fees increase, the department will have the authority to spend the additional money collected.

FINAL ADOPTION OF ADMINISTRATIVE RULES RELATING TO DEFINING SEXUAL CONTACT WITH A PATIENT AS UNPROFESSIONAL CONDUCT

MOTION: Clark Olsen moved, seconded by Karen Kalishek to adopt the administrative rule Med 10.02 (2) (zd), relating to defining sexual conduct with a patient as unprofessional conduct. Motion carried unanimously.

FINAL ADOPTION OF ADMINISTRATIVE RULES RELATING TO COOPERATE IN A TIMELY MANNER IN AN INVESTIGATION AS UNPROFESSIONAL CONDUCT

MOTION: Clark Olsen moved, seconded by Alfred Franger to adopt the administrative rule Med 10.02 (2) (zc), relating to defining failing to cooperate in a timely

manner in an investigation as unprofessional conduct. Motion carried unanimously.

CONSIDERATION OF ACCEPTING THE FEDERATION CREDENTIALS VERIFICATION SERVICE AS PROOF OF MEDICAL EDUCATION, TRAINING, AND EXAMINATION SCORES IN LIEU OF EACH APPLICANT HAVING TO COMPLETE AND GATHER THIS INFORMATION INDEPENDENTLY – DEANNA ZYCHOWSKI

Deanna Zychowski would like the Board to consider the Federation Credentials Verification Service for their credentialing service. Candidates would be initially charged \$250 and \$50 thereafter for each credentialing service. Wisconsin is one of only nine states that do not utilize this service.

MOTION: Alfred Franger moved, seconded by Virginia Heinemann to approve accepting the Federation Credentials Verification Service as proof of medical education, training, and examination scores in lieu of each applicant having to complete and gather this information independently. Motion carried unanimously.

REPORT OF SCREENING COMMITTEE

Karen Kalishek reported the Screening Committee reviewed 66 complaints. Twelve complaints were opened, did not open 35 complaints, and more information was requested on 19.

There will only be one screening team required next month.

Dr. Treffert discussed the complaint process. He said that normally a doctor does not get the report of the complaint. Doctors should be entitled to know what the complaint is. The Board would like the department to use some judgment in what is sent to the Board members on complaints. The Board should do a pre-screening to determine what should be sent to the screening team.

Dr. Clark Olsen suggested that a committee be formed to discuss guidelines of the IPP Program. The Board liaison must be involved and sign the contract. The new committee will include, Clark Olsen, Sidney Johnson, Virginia Heinemann, Muriel Harper and Daniel Miota.

RECESS TO CLOSED SESSION

MOTION: Clark Olsen moved, seconded by Alfred Franger, to recess to closed session pursuant to Chapter 19.85 (1) (a), (b), (f), and (g), Wis. Stats, for the purpose of conducting a full Board oral examinations, reviewing requests for stays of suspensions and modification of orders, deliberation of proposed decisions, issuing complaints, ratifying licenses and certificates, reviewing case status report, meeting with the Division of Enforcement and consulting with Legal Counsel. Role call vote: Lief Erickson – yes, Alfred Franger – yes, Ronald Grossman – yes, Clark Olson – yes, Muriel Harper – yes,

Virginia Heineman – yes, Sidney Johnson – yes, Darold Treffert – yes,
Daniel Miota – yes, Karen Kalishek - yes. Motion carried unanimously.

Open session recessed at 9:30 a.m.

RECONVENE IN OPEN SESSION

MOTION: Muriel Harper moved, seconded by Alfred Franger, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 12:21 p.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION

MOTION: Sidney Johnson moved, seconded by Muriel Harper, to reaffirm all motions made during closed session. Motion carried unanimously.

FULL BOARD EXAMINATIONS

RICHARD BIEK, MD

MOTION: Sidney Johnson moved, seconded by Clark Olsen, to fail Richard Biek, MD, on his oral exam and advise him he can reapply if he satisfactorily passes the SPEX examination. Motion carried unanimously.

APPLICANT FOR A DISTINGUISHED VISITING PROFESSOR LICENSE

FELIX E. GEISLER, M.D.

MOTION: Sidney Johnson moved, seconded by Clark Olsen, to approve Felix E. Geissler, M.D. for a two year distinguished professor license. Motion carried unanimously.

DELIBERATION OF PROPOSED DECISIONS

HERBERT M. ALLEN, M.D.

MOTION: Clark Olsen moved, seconded by Alfred Franger, to adopt Findings of Fact, Conclusions of Law, Order and Stipulation in the matter concerning Herbert M. Allen, M.D. Case advisor - Darold Treffert - abstained. Motion carried.

MARC L. SMITH, D.O.

MOTION: Clark Olsen moved, seconded by Virginia Heinemann to adopt Findings of Fact, Conclusions of Law, Order and Stipulation in the matter concerning Marc L Smith, D.O. Case advisor – Darold Treffert – abstained. Motion carried.

JEFFREY T. JUNIG, M.D.

MOTION: Clark Olsen moved, seconded by Muriel Harper to adopt Findings of Fact, Conclusions of Law, Order and Stipulation in the matter concerning Jeffrey T. Junig, M.D. Case Advisor – Darold Treffert – abstained. Motion carried.

DELIBERATION OF PROPOSED STIPULATIONS SIGNED AFTER MAILING OF AGENDA

AARON C. BODNER, M.D.

MOTION: Ronald Grossman moved, seconded by Clark Olsen to adopt the Stipulation and Administrative Waringing in the matter concerning Aaron C. Bodner, M.D. Case advisor – Alfred Franger – abstained. Motion carried.

JOHN T. COATES, M.D.

MOTION: Clark Olsen moved, seconded by Daniel Miota to adopt the Findings of Fact, Conclusions of law, Order and Stipulation in the matter concerning John T. Coates, M.D. Case advisor – Darold Treffert – abstained. Motion carried.

ORDER FIXING COSTS

DALE M BUEGEL, M.D.

MOTION: Clark Olsen moved, seconded by Muriel Harper to approve the Order Fixing Costs in the matter concerning Dale M Buegel, M.D. Motion carried unanimously.

REVIEW OF APPLICATION

SILJA K. MAJAHALME, M.D.

MOTION: Ronald Grossman moved, seconded by Clark Olsen to accept the application of Silja K. Majahalme, M.D., as a candidate for licensure and oral examination based on the equivalency of post-graduate training and the 7 year rule relating to time to complete the USMLE examination. An exception is being made on the 7 year rule because Finland does not provide the same Ph.D. and M.D. program simultaneously as in the United States. Motion carried unanimously.

ISSUE COMPLAINTS/CONSIDERATION OF MOTION TO CLOSE HEARING

99 MED 333

MOTION: Clark Olsen moved, seconded by Virginia Heinemann, that there is probable cause to believe that the licensee in **99 MED 333**, is guilty of unprofessional

conduct and that a complaint be issued and a hearing be held. Motion carried unanimously.

MOTION: Clark Olsen moved, seconded by Virginia Heinemann, to close the disciplinary proceedings in **00 MED 333**. Motion carried unanimously.

02 MED 141

MOTION: Alfred Franger moved, seconded by Lief Erickson, that there is probable cause to believe that the licensee in **02 MED 141** is guilty of unprofessional conduct and that a complaint be issued and a hearing held. Motion carried unanimously.

00 MED 272

MOTION: Clark Olsen moved, seconded by Virginia Heinemann, that there is probable cause to believe that the licensee in **00 MED 272** is guilty of unprofessional conduct and that a complaint be issued and a hearing be held. Motion carried unanimously.

POSSIBLE VIOLATION OF BOARD ORDER

PERRY COALMON, M.D.

MOTION: Alfred Franger moved, seconded by Clark Olsen, to table the matter concerning Perry Coalmon, M.D., until the next Board meeting and request him to appear. Motion carried unanimously.

SCOTT CONANT, M.D.

MOTION: Clark Olsen moved, seconded by Alfred Franger, to grant a three month stay of suspension to Scott Conant, M.D. Motion carried unanimously.

EDWARD COONEY, M.D.

MOTION: Alfred Franger moved, seconded by Lief Erickson, to grant a three month stay of suspension to Edward Cooney, M.D. Motion carried unanimously.

NICHOLAS GEIMER, M.D.

MOTION: Clark Olsen moved, seconded by Ronald Grossman, to grant a stay of suspension to Nicholas Geimer, M.D. Motion carried unanimously.

JEFFREY JUNIG, M.D.

MOTION: Sidney Johnson moved, seconded by Alfred Franger, to grant a stay of suspension to Jeffrey Junig, M.D. Motion carried unanimously.

CASE STATUS REPORT

MOTION: Ronald Grossman moved, seconded by Clark Olsen, to close complaint **02 MED 159** for no violation. Motion carried unanimously.

MOTION: Ronald Grossman moved, seconded by Clark Olsen, to close complaint **01 MED 253** for no violation. Motion carried unanimously.

MOTION: Clark Olsen moved, seconded by Ronald Grossman, to close complaint **02 MED 012** for no violation. Vote taken with all ayes. Motion carried unanimously.

MOTION: Clark Olsen moved, seconded by Alfred Franger, to close complaint **01 MED 211**, for insufficient evidence. Motion carried unanimously.

MOTION: Ronald Grossman moved, seconded by Clark Olsen, to issue an administrative warning on **02 MED 183**. Motion carried unanimously.

MOTION: Ronald Grossman moved, seconded by Clark Olsen, to issue an administrative warning on **02 MED 258**. Motion carried unanimously.

MOTION: Ronald Grossman moved, seconded by Alfred Franger, to close complaint **02 MED 242**, for no violation. Motion carried unanimously.

MOTION: Ronald Grossman moved, seconded by Alfred Franger, to close complaint **02 MED 279**, for no violation. Motion carried unanimously.

MOTION: Clark Olsen moved, seconded by Ronald Grossman, to close complaint **01 MED 088**, for prosecutorial discretion, and flag the license's record. Motion carried unanimously.

MOTION: Clark Olsen moved, seconded by Daniel Miota, to close complaint **02 MED 033**, for no violation. Motion carried unanimously.

MOTION: Alfred Franger moved, seconded by Clark Olsen, to close complaint **01 MED 300**, for no violation. Motion carried unanimously.

MOTION: Alfred Franger moved, seconded by Clark Olsen, to close complaint **01 MED 301**, for no violation. Motion carried unanimously.

MOTION: Clark Olsen moved, seconded by Alfred Franger, to close complaint **02 MED 069**, for no violation. Vote taken with all ayes. Motion carried unanimously.

MOTION: Clark Olsen moved, seconded by Alfred Franger, to close complaint

02 MED 120, contingent upon compliance gained. Motion carried unanimously.

RATIFYING LICENSES AND CERTIFICATES

MOTION: Muriel Harper moved, seconded by Alfred Franger, to ratify the applicants as licensed to practice medicine and surgery in the State of Wisconsin, whose scores are recorded. Motion carried unanimously.

MOTION: Clark Olsen moved, seconded by Alfred Franger, to ratify the applicants as licensed to practice as physician's assistants in the State of Wisconsin. Motion carried unanimously.

MOTION: Clark Olsen moved, seconded by Alfred Franger, to ratify the applicants as certified as respiratory care practitioners in the State of Wisconsin. Motion carried unanimously.

ADJOURNMENT

MOTION: Clark Olsen moved, seconded by Virginia Heinemann, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:15 p.m.